IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CIVIL WRIT PETITION NO. 13190 OF 2006

DATE OF DECISION: December 01, 2006

Parties Name

Charanjit Sharma

..PETITIONER

VERSUS

State of Punjab and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASBIR SINGH
HON'BLE MR. JUSTICE PRITAM PAL

PRESENT: Mr. D.V.Sharma,
Advocate, for the petitioner.

Mr. P.S. Chhina, Addl. A.G., Punjab

Mr. Sumeet Mahajan, Advocate;

JASBIR SINGH, J. (oral)

Order.

Besides laying challenge to the issuance of show cause notice Annexure P-4, the petitioner has laid challenge to the vires of Rule 28 of the Punjab Co-operative Societies Rules, 1963. Further prayer is to quash the Punjab State Co-operative Agricultural Service Societies Service Rules, 1997. To press his claim that respondent No. 2 has no jurisdiction to initiate any disciplinary action against the petitioner, counsel has made reference to Rule 5(d) and also to Rules 13 and 14, of the Rules, referred to above.

After hearing counsel for the parties, we are convinced that the Committee/Society is the appointing authority as well as the disciplinary authority. In view of the rules, referred to above, counsel for the respondent has failed to show us any provision of the Statues, under which disciplinary

proceedings can be initiated by respondents No. 2 and 3 against the petitioner. In view of this, we are of the opinion that the notice Annexure P-4 deserves to be quashed. So far as other objections of the petitioner are concerned, these are kept open. Accordingly, this writ petition is allowed and impugned notice stands quashed.

(Jasbir Singh)
Judge

(Pritam Pal)
Judge

December 01, 2006.
DKC